

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ORDER

This matter is before the Court on the Report and Recommendation filed by United States Magistrate Judge C. Clifford Shirley on July 25, 2008. [3:04-CV-556, Doc. 153; 3:04-CV-610, Doc. 133.] There have been no timely objections to the Report and Recommendation by plaintiffs or defendant, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

After careful review of the matter, the Court is in agreement with Magistrate Judge Shirley's recommendations, which the Court adopts and incorporates into its ruling. The Court **ACCEPTS IN WHOLE** the Report and Recommendation [3:04-CV-556, Doc. 153; 3:04-CV-610, Doc. 133] and hereby **GRANTS** Plaintiffs' motion for costs, including attorneys' fees [3:04-CV-556, Doc. 137; 3:04-CV-610, Doc. 117] to the extent that plaintiffs be awarded \$105,775.00 in attorneys fees. Because the issue of costs is left for the Clerk of Court's consideration, plaintiffs shall have leave to file a bill of costs, if necessary, with the

Clerk of Court within twenty (20) days of entry of this order. In all other respects, the deadlines and related requirements for the issue of costs shall be in accordance with Local Rule 54.1.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE